

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Crl.Rev.Pet.No. 904 of 2000()

CC.46/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, NEDUMANGAD
DT.15.7.2000.

REVN. PETITIONER: PETITIONER

*** P.S.MONY, JOINT DIRECTOR, AGRICULTURE OFFICE,**
PALAI, RESIDING AT PALAKUDIYIL HOUSE,
EDAMATTOM, KOTTAYAM.

ADDRESS OF THE PETITIONER CORRECTED AS P.S.MONY,
JOINT DIRECTOR, DIRECTORATE OF AGRICULTURE,
TRIVANDRUM RESIDING AT PALAKUDIYIL HOUSE, EDAMATTOM PO.,
KOTTAYAM AS PER ORDER DT. 20.11.2000 IN CRL.MP.5329/2000.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENT/ RESPONDENT

STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.904 of 2000

DATED THIS THE 18th JUNE 2007

ORDER

The revision petition is filed under Section 319 Cr.P.C.to incorporate the revision petitioner as an additional accused. It is pointed out that the petitioner was then working as Joint Director in the Agricultural Department. He was not in station and the investigating officer had examined the official records in this regard and hence in spite of the fact that the de facto complainant had alleged that the revision petitioner was also involved in an incident, he was deleted from the accused array. The order incorporating as an additional accused is totally unjustified, it is contended.

2. I find that the court below has just considered the matter in a very concise manner and just mentioned that Pws.1 to 5 have deposed that the 4th accused was not the actual person involved in the incident and one Robert, the son-in-law of A1 is the 4th accused . The name of the revision petitioner is Mony and not Robert. Robert is the nephew of A1 and his name

is mentioned in the F.I.S. Evidently the court below has not applied mind as the nephew is mentioned as the son-in-law. In the circumstances, I find that the direction of the court below directing to issue summons to the revision petitioner without properly considering the matter cannot be upheld.

In the circumstances, the order of the court below is set aside. The court below is directed to dispose of the matter on the basis of the available evidence at the earliest. The Crl.revision petition is allowed.

K.R.UDAYABHANU, JUDGE

ks.

ORDER ON CRL.M.P. NO. 4801/2000 IN CRL.R.P.NO. 904 OF 2000-A

DISMISSED.

18-6-2007

SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.NO.904 of 2000

ORDER

18-6-2007

